



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
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Glenn Ferguson et al.)	Group Art Unit: 2128
)	
Application No.: 09/766,652)	Examiner: FERRIS III, FRED O
)	
Filed: January 23, 2001)	Confirmation No.: 4298
)	
For: DATA MODEL FOR AUTOMATED)	
SERVER CONFIGURATION)	
)	
)	
)	

REQUEST FOR RECONSIDERATION

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JAN 3 2005
Technology Center 2100

Sir:

In response to the Office Action dated June 22, 2004, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

The Office Action suggests that the application fails to comply with the requirements of 37 C.F.R. §1.78(a)(2) and (a)(5), namely that it does not contain a reference to the prior parent application. However, it is respectfully submitted that the requisite reference was inserted at the time of filing the application. Specifically, the Application Transmittal Letter contains a request to amend the specification, by inserting before the first line, the sentence: "This application is a divisional of U.S. Patent Application No. 09/699,353." Note the penultimate checkbox on the first page of the application transmittal. The Examiner is respectfully requested to confirm that the amendment has been properly entered into the application.

Claims 1-11 were rejected under 35 U.S.C. §103 on the grounds that they were considered to be unpatentable over the Bowman-Amuah patent (U.S. 6,345,239) in view of

the Oracle publication entitled "Oracle Intelligent Agent User's Guide." It is respectfully submitted that these references do not disclose, nor otherwise suggest, the claimed subject matter, whether they are considered individually or in combination.

The present invention is directed to a data model that can support, for example, the activities of intelligent agents that operate to automatically provision network devices, such as servers. In the disclosed embodiment of the invention, such automated provisioning can be employed in the implementation and/or scaling of a website. The claimed subject matter is particularly directed to one aspect of such a data model, namely command queues that are employed by the agents to execute tasks in a specific order.

The data model identifies the relationships of different entities to one another. Figure 18 illustrates one example of the queues data model, in which it can be seen that various entities 1802-1810 have respective relationships to one another, e.g., many-to-one or one-to-many. Each of these different entities can be represented, for example, by means of a table in a database, examples of which are set forth on pages 100-106 of the application.

The Bowman-Amuah patent is not directed to a data model of this nature, particularly one that represents command queues for tasks performed by intelligent agents or the like. Rather, as its title indicates, it is concerned with the demonstration of business capabilities in an e-commerce environment. Column 1 of the patent describes the growth in service capabilities that has occurred in the telecommunication industry over the last few decades. At the top of column 2, the patent states that it is critical for companies in the telecommunication sector to develop products and services that create differentiation recognizable to customers. The patent goes on to state that it is also important to be able to

convey such differentiation to customers: "There is a pending need to present system capabilities to customers for sales purposes." The summary of the invention then characterizes the disclosed subject matter as: "A system, method and article of manufacture . . . for demonstrating business capabilities in an e-commerce environment."

From this overview, it can be seen that the Bowman-Amuah patent is directed to subject matter that is entirely different from the claimed invention. Because of its different focus, it does not disclose, nor otherwise suggest, the combination of features recited in the claims that constitute a data model for command queues. At best, the references only disclose some elements of the claims in isolation. They do not, however, suggest the totality of features that result in the claimed data model.

In rejecting the claims, the Office Action states that the Bowman-Amuah patent discloses a network data model relating network data objects as entities. In support of this statement, the Office Action refers to certain portions of the patent. The first of these references, column 40, line 26, states: "A network customer is an entity that leases network resources." This statement does not have any relationship to a data model, nor to the relationship of network data objects. Rather, it defines a network *customer* as an entity, that consumes network resources. This passage was apparently identified because it contains the term "entity." However, the "entity" being referenced in this passage is not a network data object, as suggested in the Office Action. Rather, as further defined in column 66, lines 31-32, a customer is a "corporate entity," not an object that forms part of the network.

The second portion of the Bowman-Amuah patent referenced in the Office Action is column 64, line 55. This portion of the patent merely contains the heading "Network

Management." It does not contain any suggestion of a *data model* associated with the management of a network.

The next referenced portion of the Bowman-Amuah patent is column 66, line 31 to column 69, line 65. Again, Applicants are unable to identify any disclosure or suggestion of a data model that provides relationships between various entities, particularly those relating to a command queue.

The Office Action also references Figures 12-26 of the Bowman-Amuah patent. Most of these figures are flowcharts or flow diagrams, and they depict processes which are performed in the demonstration of business capabilities, within the overall context of the Bowman-Amuah patent. They do not illustrate a data model that identifies relationships of various entities of a command queue to one another.

The remaining portion of the rejection contains other references to the Bowman-Amuah patent, most notably column 69, line 55 to column 73, line 65; column 77, line 13 to column 83, line 65; and Figures 22-35 and 37-50. Again, however, Applicants are unable to find any disclosure in these portions of the reference which suggests a data model for a command queue, particularly one that contains the specific entities and relationships recited in the claims. The mere fact that the patent discloses the execution of commands on a network, and responses resulting from such execution, does not inherently teach a data model for command queues. If the rejection based upon the Bowman-Amuah patent is not withdrawn, the Examiner is respectfully requested to identify the specific items in the Bowman-Amuah patent that are being interpreted to correspond to the claimed elements (such as agent queues entities, agent queues commands entities, agent command output

entities, and agent commands entities), rather than general references to portions of the patent that have no apparent relationship to these claimed elements.

The rejection states that the Bowman-Amuah patent does not explicitly teach the use of intelligent agents to execute commands. To this end, the rejection contends that it would be obvious to employ intelligent agents in the system of the Bowman-Amuah patent, in light of the teachings of the Oracle publication. However, even if one were to modify the teachings of the Bowman-Amuah patent in this manner, the resulting combination would still not suggest the claimed invention. In particular, the rejection has not identified any teaching in the Oracle publication that overcomes the above-noted deficiencies in the Bowman-Amuah patent, namely the lack of disclosure of a data model that provides relationships of various entities that constitute a command queue, particularly one that supports the operation of an intelligent agent. The fact that intelligent agents, per se, are known, does not inherently suggest a data model for a command queue.

In view of the foregoing, it is respectfully submitted that the Bowman-Amuah patent does not suggest the claimed subject matter to a person of ordinary skill in the art, whether considered by itself or modified in view of the Oracle publication. Again, Applicants repeat their request that, if the rejection is not withdrawn, the Examiner identify specific features in the patent that are deemed to correspond to the elements recited in the claims.


The Office Action includes a section entitled "Claim Interpretation," which contains references to the *disclosed* embodiment. It is to be noted that the claims do not recite all of the various aspects identified in this statement, and consequently should not be construed as being commensurate in scope with the statement. Rather, the claims should be interpreted according to the ordinary meaning of the terms that appear in them.

Reconsideration and withdrawal of the rejection, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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Date: December 22, 2004

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